

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ANDY MARTIN,
Plaintiff,

v.

DANIEL AKERSON, CHARLENE
BARSHEFSKY, URSULA BURNS,
KENNETH CHENAULT, PETER
CHERNIN, JAN LESCHLY, RICHARD C.
LEVIN, RICHARD A. MCGINN,
EDWARD D. MILLER, STEVEN S.
REINEMUND, ROBERT D. WALTER,
RONALD A. WILLIAMS, "MR.
GUNNING," JUDY BISGARD,
AMERICAN EXPRESS CENTURION
BANK, AMERICAN EXPRESS BANK,
FSB,
Defendants.

Case No.: 08 CV 3812
Judge Pallmeyer
Magistrate Judge Keys

NOTICE OF MOTION

TO: Andy Martin
30 E. Huron St.
Suite 4406
Chicago, IL 60611-4723
e-mail: andymart20@aol.com

PLEASE TAKE NOTICE that on July 22, 2008, at 8:45 a.m., or as soon thereafter as counsel may be heard, the undersigned shall appear before the Honorable Rebecca R. Pallmeyer, or any judge sitting in her stead in Courtroom 2119 of the United States District Court for the Northern District of Illinois, Eastern Division, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois 60604 and then and there present **DEFENDANTS' MOTION TO DISMISS PURSUANT TO RULE 41(B) OR, ALTERNATIVELY, RULE 12(B)(6)**, a copy of which is attached hereto and hereby served upon you.

Dated: July 10, 2008

Respectfully submitted,

AMERICAN EXPRESS CENTURION BANK,
AMERICAN EXPRESS BANK, FSB, DANIEL
AKERSON, *et al.*, Defendants

By: /s/ Ruth A. Bahe-Jachna
One of Their Attorneys

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I, Ruth A. Bahe-Jachna, an attorney, hereby certify that I caused a copy of the foregoing **NOTICE OF MOTION, DEFENDANTS' MOTION TO DISMISS PURSUANT TO RULE 41(B) OR, ALTERNATIVELY, RULE 12(B)(6) AND MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS** to be served by email and by placing a true and correct copy in an envelope, with proper postage pre-paid, and addressed to:

Andy Martin
30 E. Huron St.
Suite 4406
Chicago, IL 60611-4723

e-mail: andymart20@aol.com

and depositing same in the U.S. mail at 77 West Wacker Drive, Chicago, Illinois 60601, before the hour of 5:00 p.m. on July 10, 2008.

/s/ Ruth A. Bahe-Jachna
Ruth A. Bahe-Jachna

NJ 226434751v1 July 10, 2008